

1  
2  
3  
4  
5  
6  
7  
8 UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
9 AT TACOMA

10 MERRELL C. SAGER,

11 Plaintiff,

12 v.

13 RICHARD C. ADAMSON, in his judicial and  
14 individual capacity; MASON COUNTY,  
WASHINGTON; MASON COUNTY  
15 SUPERIOR COURT; MASON COUNTY  
SHERIFF'S DEPARTMENT; SHERIFF  
16 CASEY SALISBURY, in his official and  
personal capacity,

17 Defendants.

Case No. C08-5463 FDB

ORDER DENYING PLAINTIFF'S  
MOTION FOR RECONSIDERATION  
AND RENEWED MOTION FOR  
REMOVAL OF THE JUDGE FROM  
THIS CASE

18  
19 This matter comes before the Court on Plaintiff Merrell Sager's Motion for Reconsideration  
20 and Renewed Motion for Removal of Judge From the Case.. The Court, having considered the  
21 Plaintiff's pleadings and the balance of the record, finds that the motions should be denied.

22 Addressing the renewed motion for recusal, there is permitted but one motion for  
23 recusal(removal). 28 U.S.C. § 144. A motion for removal was filed at commencement of the action  
24 wherein this Judge declined to recuse himself from these proceedings. Pursuant to Local Rule 8(c)  
25 the Chief Judge reviewed the motion ,found no evidence of bias or prejudice, and denied the motion.

26 ORDER - 1

1 Thus, the renewed motion is not cognizable and is denied.


2 Pursuant to Local Rules W.D. Wash. CR 7(h)(1), motions for reconsideration are disfavored,  
3 and will ordinarily be denied unless there is a showing of (a) manifest error in the prior ruling, or (b)  
4 facts or legal authority which could not have been brought to the attention of the court earlier,  
5 through reasonable diligence. Plaintiff has not made the requisite showing as to either of the grounds  
6 for reconsideration under CR 7(h)(1). Plaintiff attempts to use this motion to revisit the factual and  
7 legal argument made previously to this Court . The Court is not persuaded by this reargument.  
8 Plaintiff's motion does not demonstrate a manifest error in the Court's prior ruling dismissing the  
9 action, nor does it provide the Court with any new information not previously considered. The  
10 motion for reconsideration is denied.

11 ACCORDINGLY,

12 IT IS ORDERED:

- 13 (1) Plaintiff's Renewed Motion for Removal of Judge from Case [Dkt. #26] is DENIED.  
14 (2) Plaintiff's Motion for Reconsideration [Dkt # 25] is DENIED.  
15 (3) The Court will not consider any further pleadings filed in this matter.  
16

17 Dated this 29<sup>th</sup> day of September, 2008.

18  
19  
20   
21 FRANKLIN D. BURGESS  
22 UNITED STATES DISTRICT JUDGE  
23  
24  
25